

JOHN LINCOLN, JR.

IBLA 80-664

Decided August 25, 1980

Appeal from a decision of the California State Office, Bureau of Land Management, declaring the Oak Flat Placer #1 and #2 mining claims abandoned and void. CA MC 67688.

Affirmed.

1. Notice: Generally--Regulations: Generally--Statutes

All persons dealing with the Government are presumed to have knowledge of duly promulgated statutes and regulations.

2. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment--Mining Claims: Assessment Work--Mining Claims: Recordation

Under sec. 314 of the Federal Land Policy and Management Act of Oct. 21, 1976, 43 U.S.C. § 1744 (1976), and 43 CFR 3833.1-2, 3833.2-1, and 3833.4, the owner of a mining claim located before Oct. 21, 1976, must file a copy of the official record of the notice or certificate of location and a copy of the recorded affidavit of assessment work or notice of intention to hold the claim, with the proper Bureau of Land Management Office on or before Oct. 22, 1979, or the claim must be deemed abandoned and void.

APPEARANCES: John Lincoln, Jr., pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

John Lincoln, Jr., appeals from the May 13, 1980, decision of the California State Office, Bureau of Land Management, denying the application to file copies of location notices for Oak Flat Placer #1 and #2 claims because of failure to file the notices within the time period provided by 43 CFR 3833.1.

On June 26, 1975, appellant located the Oak Flat Placer #1 and #2 mining claims. Under 43 U.S.C. § 1744 (1976) and regulations 43 CFR 3833.1-2(a) and 3833.2-1(a), copies of the recorded notices or certificates of location and affidavits of assessment work or notices of intention to hold claims were required to be filed on or before October 22, 1979. The filings were made May 9, 1980. Appellant states that he had not been notified or made aware of filing requirements, including the October 22, 1979, deadline.

[1] All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Willene Minnier, 45 IBLA 1 (1980); Donald A. Little, 37 IBLA 1 (1978); 44 U.S.C. §§ 1507, 1510 (1976).

[2] The mandate of the statute is clear. The owner of an unpatented mining claim located prior to October 21, 1976, had until October 22, 1979, to make the required filings. Failure to comply with the statute and regulations must result in a conclusive finding that the claim has been abandoned and is void. Willene Minnier, *supra*; Joe B. Cashman, 43 IBLA 239 (1979); Walter T. Paul, 43 IBLA 119 (1979); 43 CFR 3833.4(a).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Joseph W. Goss
Administrative Judge

We concur:

Douglas E. Henriques
Administrative Judge

Frederick Fishman
Administrative Judge

